

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL CORP.,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Case No. 1:17-mc-00151-LPS

**DECLARATION OF DANIEL D. BIRK IN SUPPORT OF  
THE VENEZUELA PARTIES' SUPPLEMENTAL RESPONSE TO  
THE SPECIAL MASTER'S REVISED PROPOSED SALE PROCEDURES ORDER**

I, Daniel D. Birk, declare as follows:

1. I am a partner at the law firm of Eimer Stahl LLP, which is counsel for PDV Holding, Inc. and CITGO Petroleum Corporation in the above-captioned action.

2. I make this declaration in connection with the Venezuela Parties' Supplemental Response to the Special Master's Revised Proposed Sale Procedures Order.

3. Attached as Exhibit A to this declaration is a true and correct copy of a June 1, 2021 email sent by Alan R. Silverstein from Potter Anderson & Corroon LLP on behalf of the Special Master to counsel for the Sale Process Parties and an attached "Revised Fee Proposal."

4. Attached as Exhibit B to this declaration is a true and correct copy of a June 8, 2021 email sent by Jason Hufendick from Weil, Gotshal & Manges LLP, counsel to the Special Master, to counsel for the Venezuela Parties and an attached draft Evercore engagement letter.

5. On June 10, 2021, counsel for the Venezuela Parties had a phone call with the Special Master and his counsel. During this call, counsel for the Venezuela Parties objected to the terms of the draft Evercore engagement letter (Exhibit B), stating that giving Evercore a

contingency fee would incentivize Evercore to sell 100% of the PDVH shares rather than only so many shares as are necessary to satisfy the judgment(s).

6. Attached as Exhibit C to this declaration is a true and correct copy of a June 14, 2021 email from Jason Hufendick to counsel for the Venezuela Parties and an attached revised draft Evercore engagement letter.

7. Attached as Exhibit D to this declaration is a true and correct copy of a June 16, 2021 email from Jason Hufendick to counsel for the Venezuela Parties and an attached final Evercore engagement letter.

8. Attached as Exhibit E to this declaration is a true and correct copy of a July 23, 2021 email from Leslie Liberman from Weil, Gotshal & Manges LLP to counsel for the Venezuela Parties and an attached draft proposed sale procedures order.

9. Attached as Exhibit F to this declaration is a true and correct copy of a July 26, 2021 email from Jason Hufendick to counsel for the Venezuela Parties and an attached Evercore engagement letter.

10. Attached as Exhibit G to this declaration is a true and correct copy of an August 2, 2021 email from Nathan P. Eimer from Eimer Stahl LLP on behalf of the Venezuela Parties to the Special Master and his counsel and an attached memorandum regarding the proposed sale procedures order and Evercore engagement letter.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed this 3<sup>rd</sup> day of November, 2021, in Chicago, Illinois.

/s/ Daniel D. Birk  
Daniel D. Birk